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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-203

13 **RICHARD CHADWICK DOVE**  
14 **323 Muse Street**  
15 **Newton, KS 67114**

**DEFAULT DECISION AND ORDER**

16 **2000 Windsor Creek Court**  
17 **Valley Center, KS 67147-4009**

[Gov. Code, §11520]

18 **Registered Nurse License No. 586922**

19 Respondent.

20 **FINDINGS OF FACT**

21 1. On or about September 25, 2012, Complainant Louise R. Bailey, M.Ed., R.N., in her  
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
23 Consumer Affairs, filed Accusation No. 2013-203 against Richard Chadwick Dove  
24 ("Respondent") before the Board of Registered Nursing. Accusation No. 2013-203 is attached as  
25 Exhibit 1 to the Default Decision Investigatory Evidence Packet as is herein incorporated by  
26 reference.

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1           2.    On or about September 6, 2001, the Board of Registered Nursing ("Board") issued  
2 Registered Nurse License No. 586922 to Respondent. The Registered Nurse License expired on  
3 February 28, 2003, and has not been renewed.

4           3.    On or about September 25, 2012, Respondent was served by Certified and First Class  
5 Mail copies of the Accusation No. 2013-203, Statement to Respondent, Notice of Defense,  
6 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
7 and 11507.7) at Respondent's address of record which, pursuant to California Code of  
8 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.  
9 Respondent's address of record with the Board was and is:

10                               **323 Muse Street**  
11                               **Newton, KS 67114.**

12           4.    Service of the Accusation was effective as a matter of law under the provisions of  
13 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

14           5.    On or about October 12, 2012, the aforementioned documents were returned by the  
15 U.S. Postal Service marked "Attempted-Not Known."

16           6.    On or about September 25, 2012, Respondent was served by Certified and First Class  
17 Mail copies of the Accusation No. 2013-203, Statement to Respondent, Notice of Defense,  
18 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
19 and 11507.7) at the following address:

20                               **2000 Windsor Creek Court**  
21                               **Valley Center, KS 67147-4009**

22           7.    On or about October 4, 2012, the certified mail receipt was received by the Board  
23 indicating a delivery of the aforementioned documents on September 29, 2012.

24           8.    Government Code section 11506 states, in pertinent part:

25               (c) The respondent shall be entitled to a hearing on the merits if the respondent  
26 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
27 of the accusation not expressly admitted. Failure to file a notice of defense shall  
28 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
may nevertheless grant a hearing.

1 9. Respondent failed to file a Notice of Defense within 15 days after service upon him  
2 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
3 2013-203.

4 10. California Government Code section 11520 states, in pertinent part:

5 (a) If the respondent either fails to file a notice of defense or to appear at the  
6 hearing, the agency may take action based upon the respondent's express admissions  
7 or upon other evidence and affidavits may be used as evidence without any notice to  
8 respondent.

8 11. Pursuant to its authority under Government Code section 11520, the Board finds  
9 Respondent is in default. The Board will take action without further hearing and, based on the  
10 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
11 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
12 file at the Board's offices regarding the allegations contained in Accusation No. 2013-203, finds  
13 that the charges and allegations in Accusation No. 2013-203, are separately and severally, found  
14 to be true and correct by clear and convincing evidence.

15 12. Taking official notice of its own internal records, pursuant to Business and  
16 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
17 and Enforcement is \$527.50 as of October 15, 2012.

18 **DETERMINATION OF ISSUES**

19 1. Based on the foregoing findings of fact, Respondent Richard Chadwick Dove has  
20 subjected his Registered Nurse License No. 586922 to discipline.

21 2. The agency has jurisdiction to adjudicate this case by default.

22 3. Pursuant to Code sections 118, 2764, and 2811, subdivision (b), and California Code  
23 of Regulations title 16, section 1419.3, the expiration of Respondent's licenses does not deprive  
24 the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to  
25 render a decision imposing discipline on the license.

26 4. The Board of Registered Nursing is authorized to revoke Respondent's Registered  
27 Nurse License based upon the following violations alleged in the Accusation which are supported  
28 by the evidence contained in the Default Decision Evidence Packet in this case.:

1           **a. Disciplinary Action by the State of Colorado Board of Nursing.** Respondent  
2 is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of  
3 unprofessional conduct in that Respondent's registered nurse license was disciplined by the State  
4 of Colorado Board of Nursing ("Colorado Board"). On or about November 15, 2002, pursuant to  
5 the Stipulation and Final Agency Order issued by the Colorado Board, in the disciplinary action  
6 entitled, *In the Matter of Disciplinary Proceedings Regarding the License to Practice*  
7 *Professional Nursing in the State of Colorado of Richard C. Dove, RN, License No. 127675*, the  
8 Colorado Board accepted the voluntary surrender of Respondent's registered nurse license.  
9 Respondent agreed that the voluntary surrender of his license had the same effect as a revocation  
10 of the license. The basis for the Order is that on February 11, 2002, while working as a contract  
11 registered nurse in the Emergency Room at Clagett Memorial Hospital, Respondent admitted that  
12 he was removing the Demerol from the syringes and using it intravenously himself.

13           **b. Disciplinary Action by the Kansas State Board of Nursing.** Respondent is  
14 subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of  
15 unprofessional conduct in that Respondent's registered nurse license was disciplined by the  
16 Kansas State Board of Nursing ("Kansas Board"). On or about March 18, 2004, pursuant to the  
17 Default Order issued in the disciplinary action entitled, *In the Matter of Richard C. Dove*, case  
18 number 02-691-5, before the Kansas Board, Respondent's license to practice registered nursing  
19 was revoked. The basis for the Default Order was that Respondent failed to disclose that  
20 disciplinary action had been taken in Colorado against his registered nurse license. On or about  
21 September 30, 2005, Respondent submitted an application to the Kansas Board for reinstatement  
22 of his license to practice nursing in the state of Kansas. On or about September 26, 2006, in the  
23 Summary Order issued by the Kansas Board, the Kansas Board denied Respondent's application  
24 for reinstatement to practice as a registered nurse.

25           **c. Unprofessional Conduct.** Respondent is subject to disciplinary action under  
26 Code section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct.  
27 The conduct is more particularly described in paragraph 4, subparagraphs (a) and (b), inclusive,  
28 above, and herein incorporated by reference.

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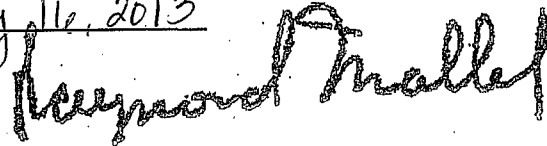
**ORDER**

IT IS SO ORDERED that Registered Nurse License No. 586922, heretofore issued to Respondent Richard Chadwick Dove, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on February 15, 2013.

It is so ORDERED January 11, 2013



FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

51177725.DOC  
DOJ Matter ID:LA2012507697

# Exhibit A

Accusation Case No. 2013-203

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 RANDY M. MAILMAN  
Deputy Attorney General  
4 State Bar No. 246134  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2442  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. *2013-203*

11 **RICHARD CHADWICK DOVE**  
12 **323 Muse Street**  
13 **Newton, KS 67114**

**A C C U S A T I O N**

14 **2000 Windsor Creek Court**  
**Valley Center, KS 67147-4009**

15 **Registered Nurse License No. 586922**

16 Respondent.

17 Complainant alleges:  
18

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about September 6, 2001, the Board of Registered Nursing issued Registered  
24 Nurse License Number 586922 to Richard Chadwick Dove ("Respondent"). The Registered  
25 Nurse License expired on February 28, 2003, and has not been renewed.

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1           8.       Section 2811, subdivision (b) of the Code provides:

2                    "Each such license not renewed in accordance with this  
3                    section shall expire but may within a period of eight years thereafter  
4                    be reinstated upon payment of the biennial renewal fee and penalty  
5                    fee required by this chapter and upon submission of such proof of  
6                    the applicant's qualifications as may be required by the board,  
7                    except that during such eight-year period no examination shall be  
8                    required as a condition for the reinstatement of any such expired  
9                    license which has lapsed solely by reason of nonpayment of the  
10                   renewal fee. After the expiration of such eight-year period the board  
11                   may require as a condition of reinstatement that the applicant pass  
12                   such examination as it deems necessary to determine his present  
13                   fitness to resume the practice of professional nursing."

14                                   **REGULATORY PROVISIONS**

15           9.       California Code of Regulations, title 16, section, 1419.3 provides:

16                    "In the event a licensee does not renew his/her license as provided  
17                    in Section 2811 of the code, the license expires. A licensee  
18                    renewing pursuant to this section shall furnish a full set of  
19                    fingerprints as required by and set out in section 1419(b) as a  
20                    condition of renewal.

21                    (a) A licensee may renew a license that has not been expired for  
22                    more than eight years by paying the renewal and penalty fees as  
23                    specified in Section 1417 and providing evidence of 30 hours of  
24                    continuing education taken within the prior two-year period.

25                    (b) A licensee may renew a license that has been expired for more  
26                    than eight years by paying the renewal and penalty fees specified in  
27                    Section 1417 and providing evidence that he or she holds a current  
28                    valid active and clear registered nurse license in another state, a  
                      United States territory, or Canada, or by passing the Board's current  
                      examination for licensure."

**COST RECOVERY**

10       10.       Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
11       administrative law judge to direct a licentiate found to have committed a violation or violations of  
12       the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
13       enforcement of the case.

14                    ///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the State of Colorado Board of Nursing)**

3 11. Respondent is subject to disciplinary action under Code section 2761, subdivision  
4 (a)(4), on the grounds of unprofessional conduct in that Respondent's registered nurse license was  
5 disciplined by the State of Colorado Board of Nursing ("Colorado Board").

6 12. On or about November 15, 2002, pursuant to the Stipulation and Final Agency  
7 Order issued by the Colorado Board, in the disciplinary action entitled, *In the Matter of*  
8 *Disciplinary Proceedings Regarding the License to Practice Professional Nursing in the State of*  
9 *Colorado of Richard C. Dove, RN, License No. 127675*, the Colorado Board accepted the  
10 voluntary surrender of Respondent's registered nurse license. Respondent agreed that the  
11 voluntary surrender of his license had the same effect as a revocation of the license. The basis for  
12 the Order is as follows:

13 a. On or about February 11, 2002, while working as a contract registered  
14 nurse in the Emergency Room at Clagett Memorial Hospital, Respondent admitted that he was  
15 removing the Demerol from the syringes and using it intravenously himself.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Disciplinary Action by the Kansas State Board of Nursing)**

18 13. Respondent is subject to disciplinary action under Code section 2761, subdivision  
19 (a)(4), on the grounds of unprofessional conduct in that Respondent's registered nurse license was  
20 disciplined by the Kansas State Board of Nursing ("Kansas Board").

21 14. On or about March 18, 2004, pursuant to the Default Order issued in the  
22 disciplinary action entitled, *In the Matter of Richard C. Dove*, case number 02-691-5, before the  
23 Kansas Board, Respondent's license to practice registered nursing was revoked.

24 15. The basis for the Default Order was that Respondent failed to disclose that  
25 disciplinary action had been taken in Colorado against his registered nurse license.

26 16. On or about September 30, 2005, Respondent submitted an application to the  
27 Kansas Board for reinstatement of his license to practice nursing in the state of Kansas.

28 17. On or about September 26, 2006, in the Summary Order issued by the Kansas

1 Board, the Kansas Board denied Respondent's application for reinstatement to practice as a  
2 registered nurse.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct)**

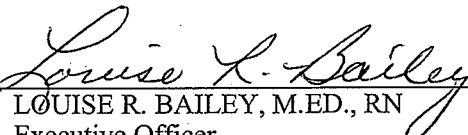
5 18. Respondent is subject to disciplinary action under Code section 2761, subdivision  
6 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more  
7 particularly described in paragraphs 12, subparagraph (a), 14 through 17, inclusive, above, and  
8 herein incorporated by reference.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
11 and that following the hearing, the Board of Registered Nursing issue a decision:

- 12 1. Revoking or suspending Registered Nurse License Number 586922, issued to Richard  
13 Chadwick Dove;
- 14 2. Ordering Richard Chadwick Dove to pay the Board of Registered Nursing the  
15 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
16 Professions Code section 125.3; and
- 17 3. Taking such other and further action as deemed necessary and proper.
- 18  
19

20 DATED: September 25, 2012

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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